

**To:** Tonya Fish/R8/USEPA/US@EPA[]  
**From:** "Suplee, Mike"  
**Sent:** Tue 3/11/2008 5:03:40 PM  
**Subject:** Agenda for Thursday's conf. call EPA/MT DEQ  
Agenda March13 Variances.doc

Hi Tonya;

For some reason I cannot find the emails of all the EPA folks at R VIII and HQ that are planning to be on the line; could you please forward this Agenda to them for me?

Thu, March 13, 2008, 1100am-1200pm MST

Thanks,

Michael Suplee  
MT DEQ  
Water Quality Standards

## **Conference Call between MT DEQ, EPA Region VIII, and EPA HQ to Discuss Numeric Nutrient Standards and Variances Based on Affordability**

March 13, 2008, 1100 am MST

Call-In Number: (866) 299-3188; Code No.: 3033126832

### **AGENDA**

(Please also have the document "MasterNutCriteriaPlan\_v5.doc" available)

#### **I. OVERVIEW**

- A. MT DEQ's main goal is to have numeric nutrient standards that are (1) scientifically defensible, (2) legal (per MT WQA and CWA), and (3) practical and realistic to implement.
- B. MT DEQ's draft regionally-based criteria are in keeping with Montana's traditional approach to setting water quality standards, i.e., generally broad-brush rather than waterbody specific.
- C. MT DEQ needs EPA's thoughts on our draft affordability-based approach; we believe that without it, numeric nutrient standards would be hard to adopt. This is because (1) the science shows that many parts of Montana would have stringent nutrient standards that are difficult to meet using today's technology, and (2) case-studies show that without considering affordability sewer rates can be excessively high.

#### **II. BACKGROUND AND ASSUMPTIONS**

- A. Typical nutrient concentrations for draft criteria for wadable streams
  - a. Western MT: 0.02 mg TP/L; 0.3 mg TN/L
  - b. Eastern MT: 0.2 mg TP/L; 1.3 mg TN/L
  - c. Ammonia (toxicity based criteria) not subject to affordability tests
- B. Magnitude of issue in Montana, based on an analysis using EPA (1995) methodology<sup>1</sup>
  - a. There are ca. 130 municipal WWTPs in Montana, of which:
    - i. 7-10 could afford almost any technology
    - ii. About 50 could only afford lagoons (cost >> 2% test)
    - iii. 70 (ca. 50% of total) would be on the fence for affordability
      - 1. Philipsburg Case Study (brief)

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<sup>1</sup> United States Environmental Protection Agency (USEPA), 1995. Interim Economic Guidance for Water Quality Standards. Office of Water, EPA-823-B-95-002, March 1995.

- C. Variances would be used as little as possible. Per EPA (1995), *“if at least one of the treatment alternatives that meets WQ standards will not have a substantial financial impact, then the community should **not** proceed with the analysis presented in the rest of this workbook.”*

### III. KEY ISSUES FOR WHICH MT DEQ NEEDS RESOLUTION FROM EPA

1. Can EPA support MT DEQ’s proposed use of variances as a tool to help implement numeric nutrient standards for surface waters? Is such an approach approvable? If not, why?
2. What timeframe is appropriate for determining if a water quality problem is “temporary and correctable”?
3. Can Best Practicable Treatment Technologies be defined? (The affordability of such technologies is not considered here; only what N & P they can achieve)
4. If MT DEQ/EPA can define No. 3, can those technologies be applied and be considered “approvable”, even if instream numeric standards are still not met? Is there legal authority to do this?